

**U.S. DISTRICT COURT FOR WESTERN DISTRICT
OF PENNSYLVANIA**

WARREN DURHAM, JR.,

CIVIL ACTION

Plaintiff,

No.: 1:04-cv-00297

-vs-

Judge Sean J. McLaughlin/Magistrate Judge
Susan Paradise Baxter

CITY OF ERIE, PENNSYLVANIA,
COUNTY OF ERIE, PENNSYLVANIA,
CHRISTOPHER McELYNN, BRUCE
TACKETT, JAMES WASHBURN,
PATRICK DURKIN, and FRED P.
ANTHONY,

Defendants.

**MOTION TO EXTEND TIME FOR DEFENDANTS TO
RESPOND TO PLAINTIFF'S OBJECTIONS**

AND NOW come the Defendants, James Washburn and Patrick Durkin, by and through their counsel, Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and move this Honorable Court to extend the time for them to respond to Plaintiff's Objections to the Report and Recommendations filed by Magistrate Judge Baxter until March 9, 2007.

As grounds for this Motion, these Defendants state that counsel for the defendants has a schedule of depositions of experts who will testify in a trial scheduled in Allegheny County on March 14, 2007, and will be out of his office daily until March 6, 2007. It will be very difficult for counsel to adequately prepare this response unless the extension is granted.

WHEREFORE, the Defendants James Washburn and Patrick Durkin respectfully request this Honorable Court enter an Order extending the time for them to Respond to Plaintiff's Objections to March 9, 2007.

LAW OFFICE OF JOSEPH S. WEIMER

BY: *s/Edmond R. Joyal, Jr.*

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants, City of Erie
and James Washburn and Patrick Durkin
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO PLAINTIFF'S OBJECTIONS has been served by via CM/ECF Electronic filing and/or First Class Mail, postage pre-paid, upon the following parties on this 19th day of February, 2007.

Warren Durham, Jr.
12119 Matherson Avenue
Cleveland, OH 44135
(Pro Se Plaintiff)

A. Taylor Williams, Esquire
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102
(Counsel for Defendant, Judge Fred P. Anthony)

Kemal Alexander Mericli
Office of the Attorney General
Civil Litigation Section
564 Forbes Avenue
6th Floor, Manor Complex
Pittsburgh, PA 15219
(Counsel for Defendant, Bruce Tackett)

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/Edmond R. Joyal, Jr.

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants, City of
Erie, Officers James Washburn
and Patrick Durkin
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184